

**MAINE EMS
INVESTIGATIONS COMMITTEE MEETING
THURSDAY, MAY 18, 2006
DE CHAMPLAIN CONFERENCE ROOM, AUGUSTA
RATIFIED BY THE MAINE EMS BOARD – JUNE 7, 2006 (WITH THE EXCEPTION OF
CASE 06-02)**

MEETING MINUTES – DRAFT

Present: Carol Pillsbury, Rick Doughty, Paul Knowlton
Staff: Drexell White, Dawn Kinney
AAG: Laura Yustak Smith

1. Call To Order: The meeting was called to order at 9:44 a.m

2. Additions/Deletions

- a. Case 05-06**
- b. Case 06-10**
- c. Three Rivers Ambulance Service**
- d. Carolyn Dillon**

The committee entered executive session for the purpose of discussing proposed and pending investigations listed in #2 above, and to obtain legal advice.

***Motion:** To enter executive session pursuant to 32 M.R.S.A. §90.A.3, §92.3 and 1 M.R.S.A. §405(6)(F) for the purpose of reviewing proposed investigations, pending investigations #05-06 and 06-10 and 1 M.R.S.A. §405(6)(E) for receiving legal advice on the aforementioned investigations. (Doughty; Pillsbury - motion carries)*

The committee entered executive session at 9:45 a.m. and exited at 10:08 a.m.

The committee discussed Three Rivers Ambulance Service of Milo, Maine concerning the service's use of an unlicensed person to respond on medical assistance calls on behalf of the service. It was noted by staff that this is a first offense for the service and that the service has taken administrative steps to ensure no recurrence of unlicensed practice.

***Motion:** That Three Rivers Ambulance Service, Maine EMS license # 685 engaged in conduct that constitutes a violation of Maine EMS Rules, Chapter 11§1.34 – Aiding the practice of emergency medical treatment by a person not duly licensed under 32 M.R.S.A. Chapter 2-B; that the violation is based upon Licensee allowing a service member whose license expired on August 31, 2005 to continue practicing until March 3, 2006; that aggravating circumstances exist in that Maine EMS sent notification letters concerning the unlicensed practice in January, February and March of 2006, to which no response was received from the service; that mitigating circumstances exist in that the violation is a first offense for Licensee, no information was found to indicate patient harm and Licensee has instituted a written policy to ensure no recurrence of unlicensed practice. Therefore, the committee directs that this matter be resolved through a Letter of Guidance to Licensee that will be retained in Licensee's file for a period of 5 years (Doughty; Knowlton – motion carries).*

The committee then discussed the status of Carolyn Mills, the Three Rivers Ambulance service member who responded to calls during a period of time in which she did not hold an EMS license.

That Licensee Carolyn Dillon, Maine EMS license# 18176, practiced EMS patient care as a member of the Three Rivers Ambulance Service during a period of time from September 1, 2004 to March 2006 in which she did not hold a Maine EMS license; that the aforementioned conduct constitutes a violation of Maine EMS Rules Chapter 11.1.14 – Violation of any standard established in the profession and Chapter 11.1.30 – providing treatment at a level for which a person is not licensed or for which a service is not licensed or permitted; that mitigating circumstances existed in that Licensee has no previous history of

disciplinary action and no information was received to indicate patient harm; That, in that Licensee is not currently licensed, the information be included in Licensee's file and be considered at such time as Licensee applies for a Maine EMS license; and that Licensee be notified in writing of the decision (Doughty; Knowlton – motion carries)

The committee directed staff to continue its investigations of case 05-06 and 06-10.

3. Investigations

A. Case 06-02 – Informal Conference

The committee entered executive session for the purpose of conducting an informal conference with the subject of case 06-02.

Motion: To enter executive session pursuant to 32 M.R.S.A. §90.A.3, §92.3 and 1 M.R.S.A. §405(6)(F) for the purpose of conducting an informal conference concerning case 06-02 and 1 M.R.S.A. §405(6)(E) for receiving legal advice on the aforementioned case (Doughty; Knowlton - motion carries)

The committee entered executive session at 10:20 a.m. and exited at 1:38 p.m.

Following executive session, the committee discussed options for disposition of case 06-02

Motion: That the subject of case # 06-02 violated Maine EMS Rules (dated July 1, 2003) Chapter 9 §3.5.G - Incompetent practice - A certified Instructor Coordinator shall be deemed incompetent in the practice if the instructor has (1) Engaged in conduct that evidences a lack of ability or fitness to discharge the duty owed by the Instructor to a client or student; or (2) Engaged in conduct that evidences a lack of knowledge or inability to apply principles or skills to carry out the instruction for which he or she is certified, Chapter 9. §3.5.I - Acting negligently or neglectfully in conducting a Maine EMS continuing education program or licensure program, Chapter 9. §3.5.P - The practice of fraud or deceit in connection with service rendered within the scope of the certification issued and Chapter 11 §1.29 - Willfully making a false statement in application for a license or renewal of a license, or in any activity or documents intended to be used to satisfy a requirement for licensure; that the violations are based upon Licensee's conducting of a Maine EMS 24 hour refresher in which he did not complete approximately 10 hours of the required 24 hour instruction, that Licensee did not complete all areas of instruction required of the course, that Licensee submitted a timesheet for 24 hours of instruction to the regional office for payment knowing that he conducted only approximately 14 hours of the course and that Licensee's acknowledged state of fatigue led him to make decisions detrimental to the refresher course that he was teaching; that mitigating circumstances exist in that Licensee has lost teaching income due to the investigation, Licensee has had no previous disciplinary action taken against him during his terms of licensure or certification, Licensee accepts responsibility for his actions, has cooperated with the committee and has been a licensed provider since 1988 and an Instructor Coordinator for 6 years; that aggravating circumstances exist in that the Kennebec Valley EMS Office incurred \$1735.00 in direct expenses as a result of Licensee's actions, hardship was caused to the students of the refresher course due to Licensee's actions, and that the substandard instruction could have led to patient compromise; that the committee proposes to resolve the investigation by Consent Agreement; that the terms of the Consent Agreement include that Licensee provide letters of apology to the complainant and to the class within 30 days of Consent Agreement execution with copies to the committee, that Licensee reimburse the Kennebec Valley EMS office in the amount of \$1735.00 within 12 months of Consent Agreement execution, that Licensee's Instructor Coordinator certificate be suspended for 9 months with credit for time since October 31, 2005 that Licensee has been without Instructor Coordinator Certification, that Licensee will be eligible to apply for Instructor Coordinator certification as of August 1, 2006, that Licensee will submit course evaluations for the next three licensure courses conducted by Licensee or less as directed by Maine EMS and that the terms of the Consent Agreement are for 2 years. (Doughty; Knowlton – motion carries).

B. Case 06-01

The committee entered executive session for the purpose of conducting an informal conference with the subject of case 06-01.

Motion: To enter executive session pursuant to 32 M.R.S.A. §90.A.3, §92.3 and 1 M.R.S.A. §405(6)(F) for the purpose of conducting an informal conference concerning case 06-01 and 1 M.R.S.A. §405(6)(E) for receiving legal advice on the aforementioned case (Doughty; Knowlton - motion carries)

The committee entered executive session at 1:56 p.m. and exited at 2:52 p.m. AAG Yustak Smith left the informal conference at 2:32 p.m. due to other commitments.

Following executive session, the committee determined that additional legal advice was needed concerning this case.

Motion: That investigation # 06-01 be continued by staff and that additional legal advice be sought from the AAG concerning the case (Doughty; Knowlton – motion carries)

4. Next Meeting

The next meeting is scheduled for Thursday, June 15, 2006 at 9:30 a.m.

5. Adjourn – The meeting was adjourned at 3:30 p.m.

Respectfully submitted,

Drexell White